

Town of Amherst, NY
Wednesday, July 9, 2014

Chapter 203. ZONING

PART 6.. USE REGULATIONS

§ 6-9. Planned Unit Development Process (PUD).

[Added 5-20-2013 by L.L. No. 8-2013]

6-9-1. **Purpose.** The PUD process is designed to permit coordinated developments that allow flexibility to respond to market demands and the needs of tenants.

The PUD process shall be required for development or redevelopment of a portion of any lot measuring 30 acres in size or larger as of (effective date of PUD), except for the following:

- A. Developments consistent with a site plan or subdivision preliminary plat approved prior to (effective date of PUD)
- B. Site plan modifications approved prior to (effective date of PUD) that result in changes to 50% or less of the total area of the lot.

The PUD process may run concurrently with the review of a zoning map amendment, if one is proposed.

6-9-2. **Use Regulations.**

- A. **Permitted Criteria, Standards and Regulations.** Criteria, standards and regulations are hereby established with respect to planning of land and the arrangements of buildings and open spaces for those areas which are included in a PUD and which require

development and site plan approval. The application of the criteria, standards and regulations set forth in this Section are intended to result in the optimum development and use of land in the Town. They are intended to insure full consideration of every planning element pertinent to the objectives of this Section and the Comprehensive Plan. Conditions placed on individual use areas of a PUD shall supersede regulations elsewhere in this Ordinance, unless otherwise noted.

- B. **Minimum District Size.** The minimum area required to qualify for a PUD shall be 30 contiguous acres of land. For purposes of this paragraph, lands separated by streams or drainage courses, highways, streets or other public or private rights of way shall be deemed contiguous. Boundaries should assume reasonably regular configurations, taking advantage of natural features, public rights of way and other clearly defined features as outer perimeters in order to facilitate buffering between the PUD and adjacent areas and in order to minimize the development obstacles created by sharply irregular boundaries resulting from noncontiguous ownership patterns.
- C. **Permitted Uses.** All uses permitted in the underlying zoning district shall be permitted in a PUD as provided in this Section.
- (1) All permitted principal and accessory uses and operations which, as a result of not being enclosed, would constitute a nuisance or offense beyond the lot line, or which as a result of not being enclosed would conflict with any of the specific performance standards set forth in this subsection, shall be performed wholly within an enclosed building or buildings.
 - (2) Outside storage or parking of commercial or recreation vehicles, camper bodies, boats and trailers on lands occupied for residential purposes shall be prohibited.

6-9-3. **Development Standards.**

- A. **Off-Street Parking and Loading.** The design criteria set forth in this Section are intended to provide desirable latitude and freedom to encourage variety in the location and arrangement of uses, to encourage convenience in accessibility to these uses through

provision of pedestrian and bicycle pathways and public transportation services and to achieve the efficient sharing of parking and loading facilities by multiple uses. Therefore, in lieu of specific minimum parking and loading requirements and other similar considerations, the following performance standards shall apply:

- (1) Pedestrian connection between parking areas and buildings shall be along walkways to the extent necessary to assure pedestrian safety.
- (2) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of access and shall be developed as an integral part of an overall site design.
- (3) Any above-grade loading facility shall be screened from public view to the extent necessary to eliminate unsightliness and should be separate from private vehicles and pedestrians where feasible.
- (4) The design of buildings and parking facilities shall take advantage of the topography of the site where appropriate to provide separate levels of access.
- (5) Off-street parking and loading spaces shall be provided for all new buildings at the time of erection and for all enlargements of existing buildings and shall be maintained in usable shape and good condition.
- (6) Off-street parking and loading spaces shall be provided so as to minimize overflow of parked or standing vehicles onto public or common vehicular or pedestrian rights of way.

B. Landscaping, Buffering and Screening.

- (1) **Landscape Features and Building Arrangements.** The design criteria set forth in this Section supercede those in § 7-2. They are intended to provide considerable latitude and freedom to encourage variety in the arrangement of the bulk and shape of buildings, open space and landscape features. Buildings may be arranged in various groups, courts, sequence or clusters with open spaces organized and related to the buildings so as to provide privacy and to form a unified

composition of buildings and space. Although latitude in design is provided and encouraged, the following design conditions shall, however, be assured in any PUD. Yards, building setback and spacing and building height and shape, landscape features and building arrangement shall be designed in a manner to assure:

- (a) Proper light, air and views for the residents, tenants and the public;
 - (b) Safety in accommodating pedestrian and vehicular circulation and vehicular storage and service;
 - (c) Usability of and convenient access to open space;
 - (d) Screening to minimize the unsightliness and monotony of parked cars;
 - (e) Availability of open land for landscaped features, recreation or other private uses;
 - (f) Privacy between adjacent buildings and intersecting wings of buildings, from streets, parking and recreation areas;
 - (g) The creation of a variety of common open spaces and private areas, through the planning of landscape features such as walls, fences, hedges and other features.
- (2) **Landscaping Standards.** Landscaping plans shall meet the following standards:
- (a) Landscaping shall provide privacy and screening between uses, with visual, noise and air quality factors considered.
 - (b) Landscaping shall contribute to prevention of water runoff and erosion problems. Temporary or permanent protection shall be provided during construction to prevent such problems.
 - (c) Landscape treatment for public and private plazas, roads, paths, service and parking areas shall be designed as an integral part of an entire project and shall combine with walks and street surfaces, and such requirements shall be in lieu of any other Town requirement for trees in public street rights of way.

- (d) The area covered by impervious surfaces such as buildings and paved areas must be accompanied by planted areas as well as other features to hold or carry stormwater runoff. Outdoor planted or grassed areas within parking lots must be not less than five percent of the total vehicular area in parking lots designed for 10 cars or more and shall be suitably distributed so as to relieve any unsightliness and monotony of parked cars.
 - (e) Landscape materials shall be appropriate to the growing conditions on the site and the Town's environment.
 - (f) Natural features such as streams, rock outcrops, escarpments, marshlands, wetlands, topsoil, trees and shrubs, natural contours and outstanding vegetational, topographical and geological features are encouraged to be preserved and incorporated in the open space areas and in the landscaping of the development.
 - (g) Plastic or other types of artificial plantings or vegetation shall not be permitted. Trees shall be planted adjacent to all residential units so as to provide no less than three trees of a minimum two and one half inch caliper, measured six inches above the ground, per residential unit, including existing trees on the site which are preserved. Trees to be planted throughout the district and along the vehicular ways shall include both deciduous and coniferous species in adequate density and design to provide year round benefit of such plantings.
 - (h) Trees shall be of numerous species as to minimize the impact and spread of disease.
- (3) **Aesthetics.**
- (a) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained.
 - (b) The sides and rear of all buildings shall be designed in such manner as to avoid undue sacrifice of amenity and design values when viewed from side and rear vantage points.

- (4) **Screening.** Visual and noise screening devices shall be designed and maintained to serve their intended purposes set forth in this Section. Artificial planting materials shall not be allowed. Landscape screening should be given priority where effective, easily maintained and botanically feasible. Decorative masonry walls in conjunction with berms and plant materials are encouraged.

C. Local Circulation System.

(1) **Vehicular circulation.**

- (a) The vehicular circulation system and parking facilities shall be designed to fully accommodate the automobile safely and efficiently without allowing it to dominate and destroy the form of the area, and with screening and buffering as may be required to satisfy the environmental standards of this Section.
- (b) Dwellings and other buildings shall be served by streets, drives or emergency accessways planned to assure access by service and emergency vehicles.
- (c) Driveways and streets serving group and cluster developments shall be connected to collector and arterial streets at locations where traffic can be controlled and operated effectively and safely with minimum interference to the capacity of the arterial and collector streets, bicycle routes and pedestrian ways.
- (d) Streets may be either private or public.
- (e) Standards of design and construction for all roads to be dedicated shall meet applicable town standards unless specifically modified as part of the site plan approval. The right of way and pavement widths, locations and designs for private ways, roads and alleys shall conform to generally accepted planning and engineering practices, taking into account the estimated needs of the full proposed development.
- (f) There shall be provision of safe bicycling routes throughout the district which may be coincident with pedestrian ways

but which shall be separated from the motorized vehicle system wherever feasible.

(2) **Pedestrian Circulation.**

- (a) Pedestrian ways shall connect residential areas with other residential areas, community facilities, schools, recreational areas, commercial areas and public transportation.
- (b) The system of pedestrian walks, malls and landscaped spaces shall be of such extent and the elements of such system shall be so distributed in location and number so as to assure safety of pedestrians from vehicular traffic and encourage pedestrian travel within such system instead of in vehicular rights of way, without restraints imposed by public, private or common ownerships.
- (c) Major pedestrian walks, malls and public transportation loading places where feasible shall be separated from general vehicle circulation.
- (d) Landscaped, paved and comfortably graded pedestrian walks shall be provided, particularly from building entrances to adjacent buildings, play areas, parking areas and streets.
- (e) Sidewalks, pathways and bikeways to be located within a public right of way shall meet town standards as to width, location and materials unless specifically modified as a part of the site plan approval.

D. **Topography and Site Appearance.** PUD's shall be designed to take advantage of the topography of the land in order to utilize the natural contours, to provide for water storage and control of water runoff, to protect natural drainage courses, to economize in the construction of utilities, to reduce the amount of grading and to maximize the conservation of trees and topsoil. Significant natural features and other characteristics of the site shall be preserved and incorporated as distinctive features of the development.

E. **Open Space.**

(1) **Definition.**

- (a) Open space includes:

- (i) Uncovered and unpaved lands or water areas in public, common or private ownership, except lots under single family ownership;
 - (ii) Lands covered by structures or other improvements may also be deemed to constitute open space under the limited conditions specified in this Section;
 - (iii) Large areas of land in a natural state;
 - (iv) Areas for active and passive recreation;
 - (v) Parks and large landscaped or wooded areas;
 - (vi) Drainage, runoff areas and flood plain areas and areas for stormwater storage and protection of water quality;
 - (vii) Connectors between major open space areas;
 - (viii) Pedestrian and bicycle circulation systems;
 - (ix) Areas for preservation of wildlife, woodlands, wetlands and outstanding natural features, including geologic and topographic;
 - (x) Areas for public or private recreation, public education, community and cultural facilities when approved by the Town Board;
 - (xi) Conservation facilities and areas.
- (2) **Scale and Character.** Such proposed uses must be appropriate to the scale and character of the new district, considering its size, density, expected population, topography and the number and types of dwelling units.
- (3) **Area and location.**
- (a) In any PUD a minimum of 25 percent of the total land area, less the amount used exclusively for nonresidential purposes, must be in open space.
 - (i) At least 70 percent of this total open space shall be in private ownership open to the public or in public or common ownership.
 - (ii) Any part of the total open space, either in a natural state or improved as permitted by and meeting the standards of this Section, may be offered for dedication or other disposition without cost to the Town or other public

entity for recreation and other open space uses for use by the public and acceptable to the Town Board and other public entity and to the owner and if accepted constitutes a credit to paragraph (a) above. Offers for dedication or other disposition of major open space for public use may be made at any time after approval of the development plan.

- (b) Any public or common open space shall be located and organized to be readily accessible by foot and bicycle to residential populations served thereby (preferably without their having to cross limited access and arterial roadways). In addition, access and parking for vehicles shall be provided where appropriate.
 - (c) The location, condition, size and configuration of the open space must be suitable for its use as proposed in the development plan and/or site plan. Lakes or other water areas may not occupy so large a proportion of the major common open space that other open space and recreational uses cannot be adequately provided for.
- (4) **Open Space Alterations.** The continued use of common open space for the purposes contemplated in this Section shall be assured through appropriate deed restrictions which shall include a provision that such open space use shall not be materially altered or abridged without the approval of the Town Board.
- (5) **Physical Improvements.**
- (a) Open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved.
 - (b) The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

- (6) **Public Open Space.** The standards for the Planning Board's determination whether to recommend Town Board approval of an offer for the dedication or other disposition to the Town or other public entity of public open space lands shall, without excluding any other applicable requirements of this Section, include the following:
- (a) The need for public open space in the PUD. In determining the manner of public ownership, the usage by the Town's population outside the PUD shall be considered.
 - (b) The potential for an open space connection with other public open space areas.
 - (c) The desirability of public access due to the special physical and biological characteristics of the area which make it suitable for public open space uses.
 - (d) The desirability of public acquisition of floodways, drainageways and areas subject to flooding for water management and recreational uses.
 - (e) Review and acceptability of covenants or similar provisions proposed for inclusion in dedication instrument, intended to assure that public use remains consistent with the objectives of the development plan and site plan.
- (7) **Perimeter Treatment.** The design of improvements and landscaping along the boundaries of a PUD should be visually harmonious and functionally compatible with adjoining development. Extensive parking areas, service areas and other features likely to have adverse effects on surrounding property (due, e.g., to adverse views, lights, noise) shall be screened against viewing from first stories both inside and outside the district. Screening shall also be provided to protect against lights, noise or other undesirable conditions in the surroundings.

F. **Utilities.** New public and private utilities and those relocated or replaced shall be generally underground.

G. **Signs.**

- (1) Freestanding signs in a PUD shall be limited to traffic and pedestrian directional and control signs, street signs and signs identifying the development.
- (2) Pole signs shall be prohibited in a PUD.
- (3) One identification sign shall be permitted for each nonresidential use, identifying use on the premises as permitted on the site plan, of not more than 20 square feet, not projecting beyond the building to which it is attached more than 12 inches, not projecting more than 10 feet in height above grade. Signs shall be designed as an integral part of a Coordinated Sign Plan in accordance with § 8-11.
- (4) Any illuminated sign visible from any public street or from adjoining property used for residential purposes shall be so shaded, shielded, directed or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises nor the safe vision of operators of vehicles moving on public roads or highways.